

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: OFFICE OF CONSUMER ADVOCATE, Complainant, vs. TELCO VALUE, Respondent.	DOCKET NO. FCU-04-1
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**ORDER DOCKETING FOR FORMAL PROCEEDING
AND REQUESTING RESPONSE**

(Issued February 6, 2004)

On January 13, 2004, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed with the Utilities Board (Board) a petition for a proceeding to impose civil penalties pursuant to Iowa Code § 476.103 (2003), asking that the Board review the proposed resolution issued in C-03-265, involving Telco Value (Telco), and consider the possibility of assessing a civil penalty pursuant to Iowa Code § 476.103(4)"a." Based upon the record assembled in the informal complaint proceedings (which are a part of the record in this proceeding pursuant to 199 IAC 6.7), it appears the events to date can be summarized as follows:

On December 12, 2003, Mr. David Hicks filed a complaint with the Board alleging that his long distance telephone service had been switched to Telco without

proper authorization. Board staff identified the matter as C-03-265 and, pursuant to Board rules, on December 16, 2003, forwarded the complaint to Telco for response within ten days. Telco did not respond within the ten-day time limit.

On January 6, 2004, Board staff issued a proposed resolution describing these events and finding by default that Telco had violated the Board's slamming rules. The proposed resolution directed Telco to fully credit all charges on Mr. Hicks's account and close Mr. Hicks's account. No party other than Consumer Advocate has challenged the staff's proposed resolution.

In its January 13, 2004, petition, Consumer Advocate asserts that a civil penalty should be imposed against Telco to deter future cramming violations. Telco has not responded to Consumer Advocate's petition.

The Board has reviewed the record to date and finds that there is sufficient information to warrant further investigation in this matter. The Board will delay establishing a procedural schedule until April 2, 2004, and allow Telco an opportunity to respond to the allegations raised in Consumer Advocate's petition.

IT IS THEREFORE ORDERED:

1. The "Petition for Proceeding to Impose Civil Penalty" filed by the Consumer Advocate Division of the Department of Justice on January 13, 2004, identified as Docket No. FCU-04-1, is granted and docketed for formal proceeding.

2. Telco Value is directed to file a response to Consumer Advocate's petition on or before April 2, 2004.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Sharon Mayer
Executive Secretary, Assistant to

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 6th day of February, 2004.